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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact upon the ) MM Docket No. 87-268  
Existing Television Broadcast )  
Service )

**HOLSTON VALLEY BROADCASTING CORPORATION  
MOTION FOR RECONSIDERATION**

Introduction and Statement of Problem

1. Holston Valley Broadcasting Corporation (Holston), licensee of full service television station WKPT-TV, channel 19; Kingsport, Tennessee, pursuant to Section 1.106 of the Commission's rules, respectfully submits its Motion for Reconsideration with regard to the digital channel and power level assigned to WKPT-TV in the DTV Table of Allotments set forth in Appendix B of the Commission's Sixth Report and Order released April 21, 1997 (the Table). For some twenty-eight years WKPT-TV (WKPT) has been the ABC Network affiliate in the Bristol-Kingsport-Johnson City (Tri-City), Tennessee/Virginia television market, the nation's 93th largest TV market as defined by the A.C. Nielsen Company. Holston praises the Commission for its efforts to insure an orderly transition from NTSC analog broadcast television to digital television (DTV) with minimum disruption to existing television service and generally agrees with the Commission's attempt to replicate existing television service wherever possible.

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List A B C D E

2. In the Table WKPT-TV is allotted channel 27 as its temporary DTV channel position with a power of only 51.6 kilowatts (almost 25 kilowatts less than the still low power level shown in the prior draft version of the Table (which appeared as Appendix B to the Commission's Sixth Further Notice of Proposed Rulemaking). Like many UHF licensees, Holston's first concern was that this low power level will prove insufficient to penetrate buildings and that even in cases where directional outdoor antennas are employed by viewers, the losses resulting from long transmission line runs and signal "splitters" in the circuit between an outside antenna and the viewers' sets would result in an inferior signal ---- if any usable signal at all ---- given the low transmitted power.

3. A closer examination of the current Table, however, reveals an apparent flaw, which is potentially even more devastating. WKPT-TV's allotted DTV channel, channel 27, is immediately adjacent to the channel allotted to another station in the market, WCYB-TV, channel 5; Bristol, Virginia. WCYB-TV (WCYB) is the NBC Network affiliate in this very mountainous market and in part as a result of its position as the market's only low band VHF station has long dominated the market competitively vis-a-vis the one high band VHF station and the UHF stations licensed there. In the Commission's efforts to replicate WCYB's very large NTSC coverage area, it has allotted WCYB a power level of 1,000 kilowatts ---- almost twenty times as much power as WKPT has been allotted.

4. While we appreciate the fact that the new DTV standards afford much greater immunity to adjacent channel interference than is the case with the NTSC standard, the nearly thirteen decibel difference in signal level between these two DTV facilities would seem to doom WKPT's digital transmissions to intolerable interference even if the two stations' DTV transmission sites were co-located. (Some interference to WCYB's DTV signal may also result.) Importantly, while the two sites are located on the same mountain, Holston Mountain, over 2,000 feet above average terrain, they are some two miles distant from each other.

5. WCYB's site was presumably chosen in the mid 1950's to maximize service to Bristol and the Virginia portion of the market, while the WKPT site was chosen in the late 1960's to maximize service on the more tenuous UHF band to WKPT's community of license, Kingsport, and to Johnson City. Later the licensee of WJHL-TV, channel 11; Johnson City, Tennessee, the local CBS Network affiliate, (WJHL) also chose the WKPT site and has operated from that site for many years.

6. Because of shadowing resulting from part of Holston Mountain itself and other nearby mountains, years of experience have shown that reception of WCYB and WKPT (and WJHL) varies greatly ---- even to the point at which WKPT's UHF signal is unviewable ---- depending upon the viewer's location. What on the surface might be

expected to be a roughly thirteen decibel difference between the two adjacent channel DTV signals will in actuality be a much greater difference leaving WKPT's DTV signal literally "in the mud" at many locations as a result of the powerful adjacent channel signal allotted to WCYB.

7. Paragraph 215 of the Commission's Sixth Report and Order sets forth proposals for possible spacing standards for determining whether to permit the addition or modification of DTV allotments. The proposed required spacing between two DTV facilities operating on adjacent channels in the UHF band in Zones II and III is 20 miles (32.2 km). The two subject adjacent UHF channel facilities in the present Table are separated by a mere two miles!

#### Difficulties With An Alternate Channel Solution

8. Obviously one solution to this dilemma is to find an alternate DTV channel allotment for either WCYB or WKPT. Holston has obtained from the National Association of Broadcasters (NAB) web-site and reviewed the document titled "Alternative DTV Channel Assignments in the Continental United States." That document lists the following possible alternatives for both WCYB and WKPT:

8, 9, 10, 15, 30, 34, 60, 61, 63, 64, 65, 66

Additionally, the possible alternate channel list for WKPT includes channel 20 (the channel shown as WKPT's allotment in the last previous draft table released by the Commission).

9. Due to the "jam" of licensees seeking consulting engineering assistance in order to analyze perceived flaws in the Table, Holston has not yet received interference studies to examine the DTV coverage which would result from transmission on these possible alternative channels; however, as a practical matter it presents the observations in the following seven paragraphs.

10. Channels 8, 10, 15, and are used by full service NTSC television stations in the adjacent Knoxville market. The transmission sites for channels 8, 10, and 15 are on Sharp's Ridge in Knoxville and all three stations are viewed in the western portion of the Tri-City market, the home market of WCYB and WKPT. The westerly direction ---- toward Knoxville ---- is the only direction in which the signals of the Tri-City stations located atop Holston Mountain propagate relatively unimpeded by topographic obstructions.

11. Pursuant to a Construction Permit issued by the Commission, the licensee of Channel 20, which is allocated to Crossville, Tennessee, (in the Knoxville market), is currently constructing a maximum power channel 20 facility on a tall mountain just west of Knoxville. It will soon present a co-channel interference situation vis-a-vis a channel 20 DTV installation atop Holston Mountain in the Tri-City market similar to that which would exist on channels 8, 10, or 15.

12. Knoxville channels 8 and 10 are carried on some cable systems within the Tri-City market. (Channel 15, a PBS station, can also be viewed in portions of the Tri-City market, although 100% of its programming is currently simulcast on a closer full service channel 2 PBS station; hence, channel 15 is not widely viewed as a practical matter.) Tri-City stations including WCYB and WKPT are also viewed in the Knoxville market, particularly in that market's eastern-most counties.

13. Channel 34 has been allotted to Knoxville as the DTV channel for WTNZ(TV); Knoxville, Tennessee, which operates on NTSC channel 43 there. Holston's database indicates that WTNZ's site is 106.45 miles from the WKPT site (and a similar distance from the WCYB site), far short of the 139 mile co-channel DTV to DTV spacing requirement for new or modified allotments.

14. Channel's 9, 30, and 64, are used by full service station's in the Charlotte, North Carolina market, which is a first-adjacent market to Tri-Cities, Tennessee/Virginia, to the east-southeast. WCYB, WKPT, WSOC-TV (channel 9, Charlotte), and WAXN(TV), (channel 64, Kannapolis/Charlotte) are all carried on the same cable systems in areas near the North Carolina/Tennessee border. Although the communities served by these systems are miles outside the Grade B contours of the subject Charlotte area stations, some of the counties affected are within the Charlotte DMA as defined by the

A.C. Nielsen Company (and the Charlotte ADI as it was defined by The Arbitron Company).

15. Additionally channel 30, which is used in the Charlotte area by a modestly-powered (676 kw) Rock Hill, South Carolina, public station, is used in the Tri-City market by Holston's WAPK-LP, the market's UPN network affiliate, whose signal is widely viewed ---- including carriage on some seventeen cable systems. Transmitting from the same Holston Mountain site as co-owned WKPT-TV, some of WAPK-LP's programs command an audience as great or greater than that of a number of full service Tri-City stations (in the same time periods) according to A.C. Nielsen Company ratings.

16. As discussed in Holston's Comments in the DTV proceedings (which were referenced several times in the Sixth Report and Order), preservation of this 24 hour-a-day LPTV service, which is programmed in every respect like a full service station, is of great important to the Tri-City area television audience and of course to Holston.

17. The other channels on the list of possible alternatives are in the "60's" and are thus channels the Commission proposes to remove from the broadcast television service. Holston also operates another LPTV facility, WAPW-LP; Abingdon/Washington County, Virginia; on channel 60 within the Tri-Cities metropolitan

statistical area (MSA).

Solving the Problem by Changing WKPT's Allotted DTV Power

18. If the Commission chooses to change the temporary DTV allotment of either WKPT or WCYB, naturally Holston would prefer that WCYB's allotment be modified (either by a channel change or a reduction in DTV power) as that station has always had a tremendous competitive advantage over other stations in the market as a result of its NTSC channel position; however, Holston asks that the Commission carefully consider another remedy to the adjacent channel problem ---- allotting WKPT a power level on DTV channel 27, which is comparable to that allotted to WCYB on DTV channel 28. If WKPT were afforded a channel 27 DTV power level of 1,000 kilowatts, or even half that amount, the disparity between the signal strengths of the DTV operations of WKPT and WCYB would be greatly minimized.

19. Holston believes another salient factor is its application --- on file with the Commission since July 11, 1996, (FCC File No. BPCT 960711KM) ---- to increase WKPT's NTSC power to the maximum allowed at its height above average terrain, 3,890 kilowatts. That NTSC power level should afford WKPT a somewhat higher DTV power, surely a mitigating factor in a decision to allot WKPT a power level on DTV channel 27 more comparable to that allotted to WCYB on digital channel 28.



20. In the event the Commission chooses to rectify this problem by allowing WKPT a more appropriate higher power level, Holston pledges its willingness to work with Appalachian Broadcasting Corporation, licensee of WCYB, toward the possibility of sharing a common transmitting site and even a common antenna.

21. Holston hereby acknowledges 1) the requirement set forth in paragraph 222 of the Sixth Report and Order, which states that requests for any modification in the Table "must include an engineering showing indicating that no new interference would be caused" and 2) the fact that no such showing (at least as prepared by a consulting engineer) is included herewith. As indicated in paragraph 9 herein there presently exists a "log jam" of stations seeking various showings from consulting engineers due to the large number of TV stations preparing Motions for Reconsideration to be submitted in this proceeding by the Commission's June 13 deadline. (The Commission's June 17 deadline for submission of applications by AM broadcast radio stations chosen for possible migration to the expanded AM broadcast band is apparently also taxing the resources of the consulting engineering community at this time.) Holston plans to submit as an amendment to the instant Motion an engineering showing prepared by its consulting engineering firm, Denny & Associates of Washington, DC.

22. In the meantime Holston management has analyzed WKPT's channel 27 DTV allotment using the criteria for the addition or modification of DTV allotments as set forth in paragraph 215 of the Sixth Report and Order. The channel 27 DTV allocation shown in the Table appears to meet the 139 mile co-channel DTV to DTV spacing requirement. It appears the 152 mile DTV to NTSC spacing requirement is met except with respect to WFXR-TV in Roanoke, Virginia, to which Holston's in-house data base reveals a spacing of 121.93 miles, a short-spacing of 30.07 miles. As set forth in paragraph 7 herein this channel 27 allocation does not meet the 20 mile UHF DTV to DTV first adjacent channel spacing requirement due to WCYB's channel 28 DTV allotment only two miles away, which is the reason WKPT seeks a higher power level for its DTV allotment.

23. With regard to the 15 mile required spacing to "taboo" channels, which only applies to DTV to NTSC, Holston finds only the "minus 8" channel spacing to its own co-located analog NTSC transmission on channel 19, which is apparently mitigated by the fact that the NTSC and DTV antennas will be co-located. There is also a never-occupied and still unused pre-existing non-commercial NTSC allotment at nearby Johnson City, Tennessee, for channel 41, which is a "plus 14" channel "taboo." Although Holston understands an application was filed some time ago for a relatively low-powered full service non-commercial station on that Johnson City allotment

at a distance of approximately 15 miles from WKPT's Holston Mountain site, it is unaware of the status of that application. Holston also notes that in the Table the Commission has allotted channel 41 as the DTV allotment for non-commercial station, WSJK-TV, channel 2; Sneedville, Tennessee, (WSJK) whose transmitter is located in Hawkins County, Tennessee, in the western part of the Tri-City MSA, much more than fifteen miles from the WKPT site, but much closer to Johnson City than the proposed required NTSC to DTV co-channel spacing. Co-channel DTV operation by WSJK and a new channel 41 NTSC operation at Johnson City is assuredly incompatible; hence, we assume the Commission has disregarded the old NTSC allotment at Johnson City for good cause.

24. Finally, Holston notes that its WAPK-LP channel 30, which is co-located with WKPT's channel 19 operation and WKPT's proposed channel 27 DTV operation obviously constitutes a "plus three" channel "taboo" vis-a-vis the proposed WKPT channel 27 DTV operation and a "plus two" channel "taboo" to WCYB's proposed channel 28 DTV operation only two miles away. Although LPTV operations will apparently remain in "secondary" status, presumably modification of the technical parameters of WAPK-LP by changing channel, power, and/or antenna gain and/or pattern will alleviate any interference which might result. Holston's WAPK-LP will likely agree to accept any interference to it from WKPT's DTV operation on channel 27 or WCYB's DTV operation on channel 28.

25. Based on the alternatives set forth in the Sixth Report and Order, at the conclusion of the DTV transition period Holston intends to move its DTV operation to its current NTSC channel, channel 19. From conversations with WCYB's management, Holston's management understands that WCYB would prefer to move its DTV operations to its current NTSC channel, channel 5, at that time, assuming channel 5 is a part of the ultimate DTV "core spectrum." Based on these tentative plans of both licensees, the adjacent channel DTV problem occasioned by the current Table of DTV allotments will disappear following the conclusion of the transition period.

#### Conclusion

26. Operation by WKPT and WCYB on adjacent DTV channels as set forth in the current DTV Table of Allotments with one station having a power level barely one twentieth that of the other will almost assuredly result in intolerable interference to DTV viewers in the Tri-Cities, Tennessee/Virginia market. The stations' transmission facilities are only two miles apart, while the Commission's own proposed allotment standards require a twenty mile UHF DTV to DTV first adjacent channel separation.

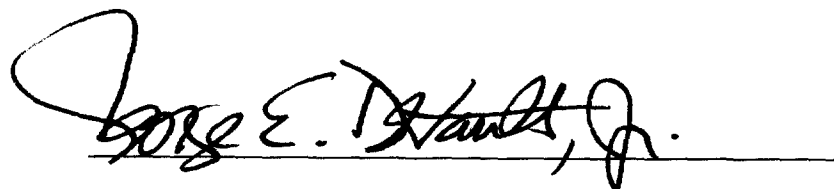
27. Selecting an alternate DTV channel allotment for either station will lead to interference problems for both the Tri-City station involved and other stations viewed in the Tri-City market

or result in the costly construction by one of the two subject Tri-City licensees of an expensive DTV transmission facility in a portion of the UHF band, which it is anticipated will no longer be allotted to broadcast television.

28. The most reasonable solution would appear to be to allot to WKPT a DTV power level more comparable to that currently allotted to WCYB so that compatible operation may be undertaken by the two stations on the adjacent UHF channels presently allotted.

Respectfully submitted,

HOLSTON VALLEY BROADCASTING CORPORATION

A handwritten signature in black ink, reading "George E. DeVault, Jr.", is written over a horizontal line. The signature is stylized with a large initial 'G' and a trailing flourish.

George E. DeVault, Jr.

Its President and General Manager

June 9, 1997